

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Ralph P. Netta

Case No.: 16-24790
Judge: Ferguson
Chapter: 13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☒ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 697.00 Monthly* to the Chapter 13 Trustee, starting on September 1, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
-NONE-		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
Westgatesquare II Condominium Associatio	147 Linda Lane Edison, NJ 08820 Middlesex County	44,160.65

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

X *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- | | |
|----|--------------------------|
| 3) | Secured Claims |
| 4) | Lease Arrearages |
| 5) | Priority Claims |
| 6) | General Unsecured Claims |

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$697.00 per month for 5 months, then \$829.00 per month for 55 months

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.
Date of Plan being modified:.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
To account for higher proof of claim filed by secured creditor Westgate Square II Condominium Association. Also, deleting Motions to avoid liens of Century 21 Main Street Realty, Inc., as said liens are unenforceable.	Increase plan payments over the last 55 months of the plan. Motions to avoid liens are deleted

Are Schedules I and J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date January 16, 2017 /s/ Dennis M. Mahoney
Dennis M. Mahoney 0016491776
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: January 16, 2017 /s/ Ralph P. Netta
Ralph P. Netta
Debtor

Date: _____
Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Ralph P. Netta
 Debtor

Case No. 16-24790-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

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 Total Noticed: 57

Date Rcvd: Jan 20, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2017.

db
 516319168 +Ralph P. Netta, 147 Linda Lane, Edison, NJ 08820-4509
 516319169 Angela Shih Liao, 61-30 Auton Street, Rego Park, NY 11374
 +Arthur M. Greenwald, C/O Michael S. Harrison, Esq., 3155 Route 10 East, Suite 214,
 Denville, NJ 07834-3430
 516443602 +Bank of America, First Source Advantage, 205 Bryant Woods South, Amherst, NY 14228-3609
 516319170 +Bob Hering, c/o Bob Smith & Associates, 216 Stelton Road, Suite B-1,
 Piscataway, NJ 08854-3284
 516548988 C/O Select Portfolio Servicing, Inc., P.O. Box 65250, Salt Lake City, UT 84165-0250
 516443603 Central Jersey Pathology Assoc., PO BOX 22381, Edison, NJ 08818-2238
 516481389 +Century 21 Main St Realty Inc, Att: Barbara Fein, 20000 Horizon Way Ste 900,
 Mt Laurel, NJ 08054-4318
 516319171 +Century 21 Main Street Realty, Inc., 239 Main Street, Woodbridge, NJ 07095-1917
 516319172 +Century 21 Main Street Realty, Inc., 239 Main Street, Woodbridge, NJ 07095-1917
 516319173 +Colonia Home Center, 73 Ashford Drive, Plainsboro, NJ 08536-3640
 516443604 Comprehensive Surgical Assoc., Williams Alexander & Assoc., POB 2148,
 Wayne, NJ 07474-2148
 516443605 +Direct TV, First Nat'l Coll. Bureau, 610 Waltham Way, Sparks, NV 89434-6695
 516443606 +Dr. Harold E. Chung-Loy, Savit, 46 C West Ferris St., POB 250,
 E. Brunswick, NJ 08816-0250
 516319174 +Dr. Joseph Muscatello, C/o Mongeello, Marshall & Scialabba, LLC, 1550 Park Avenue,
 South Plainfield, NJ 07080-5565
 516319175 +Dr. Linda Neri, 225 May Street, Suite B, Edison, NJ 08837-3266
 516443607 +Eastern Mountain Sports, OPSQ, LLC, Trident Asset Mgmt., LLC, POB 888424,
 Atlanta, GA 30356-0424
 516443608 +Edison Neurologic Assoc., PA, 34-36 Progress St., Edison, NJ 08820-1197
 516443609 +Edison Radiology Grp., On Line Collections, POB 1489, Winterville, NC 28590-1489
 516443610 Edison Radiology Grp., PA, POB 2187, Edison, NJ 08818-2187
 516319176 +Filson Corporation, c/o NCAM Business Credit Services, PO BOX 21966,
 910 SW Spokane St., Buildig A, Seattle, WA 98134-1125
 516374257 +Filson Corporation, NACM Business Credit Services, 910 SW Spokane St Bldg A,
 Seattle, WA 98134-1125
 516319177 +Geomatrix Enterprises DBA Bomer Gear, c/o Vogel & Gast, 10 Johnson Drive,
 Plainfield, NJ 07069-4905
 516443611 Hematology Oncology Consults., 2110 Oak Tree Rd., Edison, NJ 08820-1404
 516319178 +Honda Financial Services, c/o MRS Associates, 1930 Olney Avenue,
 Cherry Hill, NJ 08003-2016
 516443614 +JFK Medical Center, Rubin & Raine of NJ, LLC, Cranberry Commons, 446 Rt. 35, Bldg. C,
 Eatontown, NJ 07724-4290
 516443615 JP Morgan Chase, Plaza Station, POB 2769, NY, NY 10116-2769
 516443612 James Street Anesthesia, Central Jersey Adj. Corp., POB 189, Fanwood, NJ 07023-0189
 516443613 James Street Anesthesia, POB 824847, Philadelphia, PA 19182-4847
 516319179 +Kishore Ramchandani, MD, c/o Michael Harrison, Esq., 3155 Route 10 East, Suite 214,
 Denville, NJ 07834-3430
 516319180 +Lab Saftey Supply, Inc, c/o Goldman & Warshaw, PC, 34 Maple Avenue, PO BOX 106,
 Pine Brook, NJ 07058-0106
 516319181 +Liberty Mountain, c/o Barr Credit Services, Inc., 5151 E Broadway, Blvd., Suite 800,
 Tucson, AZ 85711-3775
 516319182 +Maggie Netta, 147 Linda Lane, Edison, NJ 08820-4509
 516319183 +Mammut Sports Group, Inc, C/O Fein, Such, Kahn & Shepar, 7 Century Drive,
 Parsippany, NJ 07054-4603
 516443616 +Mid Jersey Autho Group, Bart Chase, Esq., 450 Springfield Ave., POB 871,
 Summit, NJ 07902-0871
 516443618 Middlesex Emergency Physicians, C/O Acct. Rec. Mgmt., PO BOX 129,
 Thorofare, NJ 08086-0129
 516443617 Middlesex Emergency Phys., PA, Healthcare Rec. Group, POB 189053,
 Ft. Laurderdale, FL 33318-9053
 516319184 +Nayna Patel, 1381 US 1 South, Edison, NJ 08837-2520
 516319186 +Ops 9, LLC, C/O David Faloni, Jr. Esq., 165 Passaic Avenue, Suite 301B,
 Fairfield, NJ 07004-3592
 516443619 +PNC Bank, NA, Allied Interstate, LLC, POB 4000, Warrenton, VA 20188-4000
 516319187 Ping Wang, c/o Indink & McNamara, PC, Princeton Park Corporate Center, Suite 203,
 Monmouth Junction, NJ 08852
 516443620 +Rite Aid, TRS Recovery Svc. Inc., 5251 Westheimer, Houston, TX 77056-5412
 516319188 +Select Portfolio, Attn Bankruptcy Dept, PO BOX 65250, Salt Lake City, UT 84165-0250
 516443621 +Sherwin Williams, JNR Adj. Co., Inc., 7001 E. Fish Lake Rd., Ste. 200,
 Maple Grove, MN 55311-2844
 516334642 +Summit Medical Group, Simon's Agency Inc, PO Box 5026, Syracuse NY 13220-5026
 516443622 +Summit Medical Grp., PA, ACB Receivables Mgmt., Inc., 19 Main St., POB 350,
 Asbury Park, NJ 07712-0350
 516319190 +Surgical Practices Associates, C/O Pressler & Pressler.LLP, 7 Entin Road,
 Parsippany, NJ 07054-5020
 516443623 +Walgreen's, CPS Security, POB 782408, San Antonio, TX 78278-2408
 516319191 +Westgatesquare II Condominium Associatio, C/O Judith A. Fallat, Esq., 92 Broadway,
 Suite 201, Denville, NJ 07834-2733

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 57

Date Rcvd: Jan 20, 2017

516549047 Wilmington Trust, NA, c/o Select Portfolio Servicing, Inc., PO Box 65250,
Salt Lake City, UT 84165-0250

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 20 2017 22:47:39 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 20 2017 22:47:37 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235

516319166 +E-mail/Text: dkretscher@bchaselaw.com Jan 20 2017 22:47:33
ACB Receivables Management, Inc., c/o Bart A. Chase, Esq., PO BOX 871,
Summit, NJ 07902-0871

516319185 +E-mail/Text: compliance@sentrycredit.com Jan 20 2017 22:48:16 Nordstrom Bank,
C/O Sentry Credit, Inc., 2809 Grand Avenue, Everett, WA 98201-3417

516335161 E-mail/PDF: rmscedi@recoverycorp.com Jan 20 2017 22:37:12 Orion,
c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

516341869 E-mail/PDF: rmscedi@recoverycorp.com Jan 20 2017 22:37:21 Orion Portfolio Services LLC,
c/o Recovery Management Systems Corp, 25 SE 2nd Avenue Suite 1120, Miami, FL 33131-1605

516319189 +E-mail/Text: clientservices@simonsagency.com Jan 20 2017 22:48:11 Summit Medical Group, Pa,
c/o Simon's Agency, Inc., 4963 Wintersweet Drive, Liverpool, NY 13088-2176

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516548991 Wilmington Trust, NA

516548987 Wilmington Trust, NA, successor trustee to Citiban

516548989 Wilmington Trust, NA, successor trustee to Citiban

516319167 ##+Air-Opedic Shoe Shop, Inc d/b/a Scotts, 109 Quimby St., Westfield, NJ 07090-2170

TOTALS: 3, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 22, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on January 18, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com

Albert Russo docs@russotrustee.com

Barbara A. Fein on behalf of Creditor Century 21 Main Street Realty JulieP@lobaf.com,
lobafb@yaho.com

Denise E. Carlon on behalf of Creditor Wilmington Trust, NA, successor trustee to Citiban,
N.A., trustee, in trust for registered holders of Bear Stearns Asset Backed Securities 2007-SD3,
Asset-Backed Certificates, Series 2007-SD3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Dennis M. Mahoney on behalf of Debtor Ralph P. Netta dmmahoney@aol.com

TOTAL: 5